

AGENDA MEMO

TO: Mayor & City Commission

AGENDA DATE: 12/13/2010

FROM: Faith G. Miller, City Manager

AGENDA ITEM: 8 - A

SUBJECT: Public Hearing - Ordinance No. 12-2010, Adopting the updated Capital Improvements Element (CIE) of the City of Deltona's Comprehensive Plan, at the second and final reading.

LOCATION:

N/A

BACKGROUND:

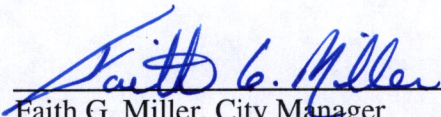
The Capital Improvements Element of the Comprehensive Plan must be reviewed and updated by December of each year. Deltona may not amend its *Future Land Use Map* until the annual update of the CIE is adopted and has been found in compliance by the Florida Department of Community Affairs (DCA). Staff reviewed the current Class "A" capital improvements, summarized expenditures, and funds carried forward for the next five (5) years to ensure compliance with adopted levels of service (LOS) standards. Adjustments have been made to update the CIE, in collaboration with the City's Finance Department.

The first reading for Ordinance No. 12-2010, required by Section 166.041, Florida Statutes (F.S.), was approved by the City Commission on November 15, 2010. The second reading of Ordinance No. 12-2010 is pursuant to Section 166.041 F.S. and constitutes the single public hearing required for CIE amendment adoption, consistent with Section 163.3177(3)(b)(2), F.S.

A copy of the complete Element referenced as Exhibit A was provided to the Commission via a CD for the November 15th Commission meeting; no changes have been made to the proposed CIE since the November 15th Commission meeting. A paper copy of the Element is available as needed and will be on hand at the December 13th Commission meeting as well.

**ORIGINATING
DEPARTMENT:**

Planning and Development Services

SOURCE OF FUNDS:	N/A
COST:	N/A
REVIEWED BY:	City Attorney, Planning Director, and Finance Director
STAFF RECOMMENDATION PRESENTED BY:	Ron Paradise, Assistant Planning and Development Services Director - Staff recommends that the City Commission adopt Ordinance No. 12-2010, at second and final reading.
POTENTIAL MOTION:	"I hereby move to adopt Ordinance No. 12-2010, that amends and updates the City of Deltona's Capital Improvements Element of the Comprehensive Plan, at second and final reading."
AGENDA ITEM APPROVED BY:	 Faith G. Miller, City Manager
ATTACHMENTS:	<ul style="list-style-type: none">• Ordinance 12-2010

ORDINANCE NO. 12-2010

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA,
PERTAINING TO A COMPREHENSIVE PLAN; PROVIDING
FOR A CAPITAL IMPROVEMENTS ELEMENT
AMENDMENT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Deltona is required to annually review and modify as necessary its capital improvements element; and

WHEREAS, the City of Deltona has reviewed its capital improvements element and determined it is necessary to update the Five Year Schedule of Capital Improvements contained therein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF DELTONA, FLORIDA:**

Section 1. Comprehensive Plan Amendments. The Five Year Schedule of Capital Improvements section of the capital improvement element is hereby amended as set forth in attachment "A" hereto.

Section 2. Severability. Upon a determination by a court of competent jurisdiction that a portion of this ordinance or the comprehensive plan adopted hereby is void, unconstitutional, or unenforceable, all remaining portions shall remain in full force and effect.

Section 3. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA, THIS _____ DAY OF _____, 2010.**

City of Deltona
Ordinance No. 12-2010
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First Reading: _____

Advertised: _____

Second Reading: _____

JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

JOYCE KENT, City Clerk

Approved as to form and legality for use
and reliance of the City of Deltona, Florida:

GARY J. COONEY, City Attorney